

STEPHANIE M. HINDS (CABN 154284)
United States Attorney

THOMAS A. COLTHURST (CABN 99493)
Chief, Criminal Division

CHARLES F. BISESTO (CABN 271353)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6405
FAX: (415) 436-7234
Charles.Bisesto@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA, |) | CASE NO.: 4:22-MJ-70882-MAG-1 |
| |) | |
| Plaintiff, |) | STIPULATION AND ORDER TO CONTINUE |
| |) | STATUS CONFERENCE AND EXCLUDE |
| v. |) | TIME FROM SEPTEMBER 14, 2022 TO |
| |) | OCTOBER 5, 2022 |
| HECTOR ARTEAGA, |) | |
| |) | |
| Defendant. |) | |

Plaintiff United States of America, by and through its counsel of record, the United States Attorney for the Northern District of California and Assistant United States Attorney Charles Bisesto, and defendant Hector Arteaga (“Defendant”), by and through his counsel of record, Angela Hansen, hereby stipulate as follows:

1. On July 6, 2022, the Honorable Donna M. Ryu, U.S. Magistrate Judge, issued a Criminal Complaint charging Defendant with unlawful distribution of a controlled substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(viii).

2. On July 11 2022, Defendant made his initial appearance before the Honorable Donna M. Ryu, U.S. Magistrate Judge and the matter was put over to July 13, 2022. On July 13, 2022, Defendant

1 was arraigned on the Criminal Complaint and the matter was put over to August 16, 2022 for a status
2 conference. The matter was ultimately continued to September 14, 2022 for a further status conference.

3 3. As of today, the prosecution has disclosed a large amount of video and documentary
4 evidence that the defense is still reviewing. Additionally, the government just produced over 150 text
5 messages and voice recordings that pertain to the charged conduct in the criminal complaint and are
6 relevant and material to this prosecution.

7 4. Because the review of this discovery may impact an early resolution of this matter, the
8 parties believe more time would be fruitful. For this reason, the parties agree that continuing the
9 September 14, 2022 status conference and excluding time until the next court date will allow for
10 effective preparation of counsel, taking into account the exercise of due diligence.

11 5. Given the need for more time, the parties are requesting a new status conference date of
12 October 5, 2022.

13 6. Defense counsel represents that her client understands that he has a right under 18 U.S.C.
14 § 3161(b) to be charged by information or indictment with the offense alleged in the pending criminal
15 complaint and that her client knowingly and voluntarily waives that right and agrees to continue to
16 exclude the time to be charged by indictment and agrees to set a status in this matter on October 5, 2022.
17 Defense counsel further represents that her client knowingly and voluntarily waives the timing for
18 preliminary hearing under Federal Rule of Criminal Procedure 5.1 through October 5, 2022.

19 7. For purposes of computing the date under Rule 5.1 of the Federal Rules of Criminal
20 Procedure for preliminary hearing, and the date under the Speedy Trial Act by which defendants must be
21 charged by indictment or information, the parties agree that the time period of September 14, 2022 to
22 October 5, 2022, inclusive, should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i) and
23 (h)(7)(B)(iv) because the delay results from a continuance granted by the Court at defendant's request,
24 without government objection, on the basis of the Court's finding that: (i) the ends of justice served by
25 the continuance outweigh the best interest of the public and defendant in the filing of an information or
26 indictment within the period specified in 18 U.S.C. § 3161(b); and (ii) failure to grant the continuance
27 would unreasonably deny defense counsel the reasonable time necessary for effective preparation,
28 taking into account the exercise of due diligence

IT IS SO STIPULATED.

/s/

CHARLES F. BISESTO
Assistant United States Attorney

/s/

ANGELA HANSEN
Counsel for Defendant Hector Arteaga

ORDER

The Court has read and considered the Stipulation Regarding Request for (1) Continuance of the Status Conference Date and (2) Findings of Excludable Time Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that support a continuance in this matter, and provides good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, as well as to waive the timing for preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in the filing of an information or indictment within the time period set forth in 18 U.S.C. § 3161(b); and (ii) failure to grant the continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

THEREFORE, FOR GOOD CAUSE SHOWN:

The status hearing currently scheduled for **September 14, 2022 is continued to October 5, 2022**. The time period of **September 14, 2022, to October 5, 2022**, inclusive, is excluded in computing the time within which an information or indictment must be filed under 18 U.S.C. § 3161(b) pursuant to the provisions of 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(iv). Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which an information or indictment must be filed.

IT IS SO ORDERED.

DATED: September 9, 2022

